

Paper No. 9

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**OFFICE OF PETITIONS
A/C PATENTS**

In re Application of
Valery Kuriakin et al.
Application No. 09/607,825
Filed: June 30, 2000
Attorney Docket No. 42390P9148

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: **DECISION DISMISSING**
: **PETITION**
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This is a decision on the petition, filed on January 12, 2001, in effect requesting that a Notice Of Omitted Item(s) ("Notice"), mailed on December 18, 2000 for the above-identified application, be withdrawn.

The petition is **DISMISSED**.

The application was filed on June 30, 2000. However, on December 18, 2000, the Initial Patent Examination Division of the Office mailed the Notice stating that the application had been accorded a filing date of June 30, 2000, and advising applicants that the Figure 1B described in the specification appeared to have been omitted from the filed application.

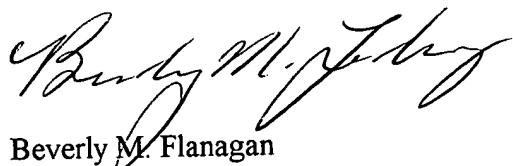
In response, the present petition was filed. Petitioner explains that Figure 1B was not omitted on June 30, 2000. Instead, the application included a sheet of drawings containing two figures labeled as "FIG 1" and "FIG 1A," and that "FIG 1" is actually the "FIG 1B" described in the specification. The instant petition is accompanied by a copy of the formerly submitted sheet of drawings containing Figures 1 and 1A, with the label "FIG 1" corrected as "FIG 1B."

It is obvious from the petition that no drawing was actually missing on June 30, 2000. Rather, the drawing of Figure 1B was simply mislabeled as a result of Petitioner's typographical error. However, the December 18, 2000 Notice was correct in stating that Figure 1B described in the specification appeared to have been omitted. Therefore, the Notice was properly mailed and will not be withdrawn. Accordingly, the petition is dismissed. Since the instant petition was not necessitated by any error on the part of the Office, the \$130 petition fee will not be refunded.

A preliminary amendment correcting the mislabeled "FIG 1" to "FIG 1B" should be filed prior to first Office action on the merits.

The application is being forwarded to the Initial Patent Examination Division for further processing with a filing date of June 30, 2000, using the 11 sheets of drawings filed on that date.

Telephone inquiries concerning this matter may be directed to Petitions Attorney RC Tang at (703) 308-0763.

A handwritten signature in cursive script, appearing to read "Beverly M. Flanagan".

Beverly M. Flanagan
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for Patent Examination Policy